

"Express Mail" Mailing Label No. EL 701 980 365 US

Date of Deposit: August 13, 2002

I hereby certify that this paper (and all documents referred to herein) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to BOX PCT, Assistant Commissioner of Patents, Washington, D.C. 20231-0001.

Esperanza C. Licad
Esperanza C. Licad

8/13/2002
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ratti, GiulioSerial No.: **09/868,293**Group Art Unit: **To be assigned**Filed : **02/22/2002**Examiner: **To be assigned**For : **CHLAMYDIA TRACHOMATIS ANTIGENS****PETITION TO REVIVE APPLICATION PURSUANT TO 37 C.F.R. §1.137(b)**

Attention: Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The above-identified application may have unintentionally become abandoned for failure to file a timely and proper reply to the Notice of Defective Response dated April 12, 2002 ("Notice"). In the event that the Patent Office determines that the application has been abandoned, **APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION** as unintentionally abandoned pursuant to 37 C.F.R. §1.137(b).

The Notice indicated that Applicant was required to complete the response within a time limit of one (1) month from the date of the Notice or within the time remaining in the response set forth in the Notification of Missing Requirements, dated July 24, 2001, whichever was longer. The Notice further indicated that no extension of this time limit may be granted under 37 C.F.R. §1.136, but that the period for response set in the Notification of Missing Requirements may be extended under 37 C.F.R. §1.136(a).

Applicant docketed the response date for the Notice to include a possible five months for extensions of time. This docket date appears to be in conflict with the restrictions set forth in the Notice. As soon as this discrepancy was discovered by the Applicant, the Applicant telephoned Mr. Shakeel Ahmed, the USPTO contact person listed on the Notice.

Mr. Ahmed told Applicant that the application had not been abandoned and advised Applicant to file the response with extension fees. Applicant is submitting the response to the Notice with this petition.

In the event the Patent Office now determines that the application has been abandoned, Applicants submit this petition to revive the application under 37 C.F.R. §1.137(b).

The following items are included with this petition:

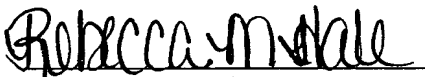
- (1) Petition to Revive Fee of \$1280.00;
- (2) Response to the Notification of Defective Response, including
 - a. Copy of the Notification of Defective Response;
 - b. Substitute computer readable form (CRF) of the Sequence Listing as required by 37 C.F.R. 1.825(d), and Paper Sequence Listing consisting of 4 pages.
 - c. Statement pursuant to 37 C.F.R. §1.821(e), 1.821(f), 1.821(g) and 1.825(b) or 1.825(d) that the computer readable form and the paper form of the sequence listing are the same and that no new matter has been added;
 - d. Request for four months extension of time and fee of \$1440.00 for four months extension of time.
- (3) Terminal disclaimer with disclaimer fee is NOT included since this utility application was filed on or after June 8, 1995.
- (4) Statement that the entire delay was unintentional:
STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

The Commissioner is hereby authorized to charge any fees under 37 CFR §1.16 and §1.17 which may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1664. This, however, is not authorization to pay the issue fee.

If there are any questions regarding this petition, the Patent Office is urged to contact the undersigned attorney of record below.

Respectfully submitted,

Dated: August 13, 2002

By: 
Rebecca M. Hale
Reg. No. 45,680

CHIRON CORPORATION
Intellectual Property
P.O. Box 8097
Emeryville, CA 94662-8097
(510) 923-3179
(510) 655-3542 (Fax)